

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE,

*Petitioner,*

v.

PATRICK M. SHANAHAN,  
in his official capacity as ACTING SECRETARY  
OF DEFENSE,

*Respondent.\**

No. 17-cv-2069 (TSC)

**PETITIONER’S UNOPPOSED MOTION TO EXTEND PETITIONER’S TIME TO  
COMPLY WITH PARAGRAPH 20 OF THE PROTECTIVE ORDER TO IDENTIFY  
AND DESTROY PROTECTED DOCUMENTS AND INFORMATION**

Petitioner respectfully requests that this Court extend his time to comply with Paragraph 20 of the Protective Order entered on June 15, 2018, which requires the destruction of all protected documents and information, and any copies thereof, in the possession of Petitioner’s counsel and any experts who have received such information from Petitioner’s counsel, within sixty (60) days of the resolution of this case. *See* ECF No. 103.

On November 7, 2018, the Court issued an Order of Dismissal, *see* ECF No. 126, dismissing the action in light of the parties’ Joint Stipulation of Dismissal filed the same day, *see* ECF No. 125.

On January 1, 2019, the Court granted Petitioner’s Unopposed Motion to Extend the Time to Comply with the Requirements of Paragraph 20 of the Protective Order by sixty (60)

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\* Acting Secretary Shanahan has been substituted for former Secretary Mattis pursuant to Fed. R. Civ. P. 25(d) (“The officer’s successor is automatically substituted as a party.”).

days, until March 7, 2019. *See* ECF No. 128.

Petitioner intends to file a motion challenging Respondent's continued designation of certain material as protected, and intends to file such motion by April 8, 2019. While the major purpose of that motion will be to increase the information about this important case available to the public, a side effect, if the motion is granted, would be to reduce the amount of material required to be destroyed, thereby reducing the burden on Petitioner's counsel and experts.

In light of Petitioner's forthcoming motion, Petitioner respectfully requests that the Court modify the Protective Order such that Petitioner's obligation to identify and destroy protected information under Paragraph 20 be held in abeyance until thirty (30) days following the final disposition of that forthcoming motion.

Petitioner stipulates that any and all protected information will remain under seal unless and until there is a final unappealable decision holding otherwise.

Respondent does not oppose Petitioner's proposed modification of the Protective Order.

February 27, 2019

Respectfully submitted,

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No. 17-cv-2069 (TSC)

**[PROPOSED] ORDER**

Before the Court is Petitioner's Unopposed Motion to Extend Petitioner's Time to Comply with Paragraph 20 of the Protective Order to Identify and Destroy Protected Documents and Information.

It is hereby **ORDERED** that Paragraph 20 of the Protective Order is modified such that Petitioner's obligation to identify and destroy protected information is held in abeyance until thirty (30) days following final disposition of Petitioner's forthcoming motion challenging Respondent's continued designation of certain material as protected.

It is further **ORDERED** that Petitioner must file his motion challenging Respondent's continued designation of certain material as protected by April 8, 2019.

It is further **ORDERED** that any and all protected information will remain under seal unless and until there is a final unappealable decision holding otherwise.

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\* Acting Secretary Shanahan has been substituted for former Secretary Mattis pursuant to Fed. R. Civ. P. 25(d) ("The officer's successor is automatically substituted as a party.").

**SO ORDERED.**

Dated: \_\_\_\_\_

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Tanya S. Chutkan  
United States District Judge